

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MONIQUE DRAGOIU,

Plaintiff,

CIVIL ACTION NO. 10-CV-11896

vs.

DISTRICT JUDGE DAVID M. LAWSON

HUD,

MAGISTRATE JUDGE MONA K. MAJZOUN

Defendant.

**ORDER DENYING MOTIONS FOR FAILURE TO SEEK CONCURRENCE AND
STRIKING NOTICE AND SUPPLEMENTAL BRIEFS**

These matters come before the Court on Plaintiff Monique Dragiou's Motion For Substitution Of Parties (docket no. 29) and Motion To Remove HUD As Defendant (docket no. 31), and Alin Dragiou and Plaintiff Monique Dragiou's Motion To Compel Joinder (docket no. 42) and Motions Seeking Concurrence From Defendant (docket nos. 44, 45). In addition, the Court has reviewed Plaintiff Monique Dragiou's "Notice Of Removal Of HUD As Defendant (And Replacement With United States As Exclusive Defendant)" (docket no. 34), and Alin Dragiou and Plaintiff Monique Dragiou's supplemental briefs filed at docket nos. 41 and 46. All pretrial matters have been referred to the undersigned for action. (Docket no. 6).

Plaintiff Monique Dragiou's Motion For Substitution Of Parties (docket no. 29) seeks concurrence from the Court in removing HUD and substituting the United States as Defendant in this case. Plaintiff Monique Dragiou also filed a "Motion To Remove HUD As Defendant And Replace With United States As Exclusive Defendant" which she alternatively titled "Motion To Dismiss HUD As Defendant (And Name United States As Exclusive Defendant)." (Docket no. 31).

In that motion Plaintiff Monique Dragiou seeks the Court's concurrence with the dismissal and removal of HUD and substitution of the United States as Defendant. In addition, Alin Dragiou and Plaintiff Monique Dragiou filed two motions seeking concurrence from Defendant. (Docket nos. 44, 45). Finally, Alin Dragiou and Plaintiff Monique Dragiou filed a Motion To Compel Joinder that does not state in the motion that concurrence was sought in the relief requested from Defendant before the motion was filed.

E.D. Mich. LR 7.1(a) requires a movant to seek concurrence in the relief requested from the opposing party before filing a motion with this Court. If concurrence is not obtained, the motion must state:

- (A) there was a conference between attorneys or unrepresented parties and other persons entitled to be heard on the motion in which the movant explained the nature of the motion ... and its legal basis and requested but did not obtain concurrence in the relief sought; or
- (B) despite reasonable efforts specified in the motion ..., the movant was unable to conduct a conference.

E.D. LR 7.1(a).

Plaintiff may not file motions or notices with the Court that seek concurrence from the Court or Defendant. The local rules impose on Plaintiff an obligation to seek concurrence from Defendant prior to filing any motion, and to include in the motion a statement that such concurrence was sought and denied. "These rules are designed to streamline litigation, reduce unnecessary costs, and narrow issues." *Rumburg v. McHugh*, No. 10-CV-11670, 2010 WL 3025024, at *1 (E.D. Mich. July 29, 2010). It is not up to the Court to expend its energies when Plaintiff has not sufficiently expended her own. *Hasbro, Inc. v. Serafino*, 168 F.R.D. 99, 101 (D. Mass. 1996). Accordingly, Plaintiff Monique Dragiou's Motion For Substitution Of Parties (docket no. 29) and Motion To Remove HUD As Defendant (docket no. 31), and Alin Dragiou and Plaintiff Monique Dragiou's Motion To

Compel Joinder (docket no. 42) and Motions Seeking Concurrence From Defendant (docket nos. 44, 45) will be denied. Alin Dragiou and Plaintiff Monique Dragiou's brief in support of the Motion To Compel Joinder will be stricken. (Docket no. 43).

Next, Plaintiff Monique Dragiou filed a "Notice Of Removal Of HUD As Defendant (And Replacement With United States As Exclusive Defendant)." (Docket no. 34). The Court has entered a Report and Recommendation recommending that HUD be dismissed from this action. (Docket no. 26). That recommendation is pending before the district judge. The Court has also ordered Plaintiff to file an amended complaint naming the United States as Defendant. (Docket nos. 20, 25). Therefore, Plaintiff's "Notice Of Removal Of HUD As Defendant (And Replacement With United States As Exclusive Defendant)" (docket no. 34) serves no purpose and will be stricken from the docket.

Finally, Alin Dragiou and Plaintiff Monique Dragiou filed supplemental briefs to various motions located at docket nos. 41 and 46. Local Rule 7.1 provides:

each motion and response to a motion must be accompanied by a single brief. The brief may be separate from or may be contained within the motion or response. If contained within the motion or response, the brief must begin on a new page and must be clearly identified as the brief. A movant may also file a reply brief.

E.D. Mich. LR 7.1(d)(1). The text of a brief supporting a motion or response, including footnotes and signatures, may not exceed twenty pages. The text of a reply brief, including footnotes and signatures, may not exceed five pages. E.D. Mich. LR 7.1(d)(3). The supplemental briefs filed at docket nos. 41 and 46 violate the local rules and will be stricken.

Plaintiff has filed ten motions within a two week span of time, not to mention multiple supplemental briefs and notices. The Court recognizes that Plaintiff is proceeding *pro se*, however her *pro se* status does not excuse her noncompliance with the federal and local rules or justify her

waste of judicial resources. Plaintiff is cautioned that the Court will not tolerate future noncompliance with the federal and local rules.

IT IS THEREFORE ORDERED that Plaintiff Monique Dragiou's Motion For Substitution Of Parties (docket no. 29) and Motion To Remove HUD As Defendant (docket no. 31), and Alin Dragiou and Plaintiff Monique Dragiou's Motion To Compel Joinder (docket no. 42) and Motions Seeking Concurrence From Defendant (docket nos. 44, 45) are **DENIED**.

IT IS FURTHER ORDERED that Plaintiff's "Notice Of Removal Of HUD As Defendant (And Replacement With United States As Exclusive Defendant)" (docket no. 34), Alin Dragiou and Plaintiff Monique Dragiou's supplemental briefs filed at docket nos. 41 and 46, and Alin Dragiou and Plaintiff Monique Dragiou's brief in support of the Motion To Compel Joinder (docket no. 43) are **STRICKEN**.

NOTICE TO THE PARTIES

Pursuant to Federal Rule of Civil Procedure 72(a), the parties have a period of fourteen days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. § 636(b)(1).

Dated: June 3, 2011

s/ Mona K. Majzoub

MONA K. MAJZOUB

UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Order was served upon Monique Dragiou, Alin Dragiou and Counsel of Record on this date.

Dated: June 3, 2011

s/ Lisa C. Bartlett

Case Manager